

1  
2  
3  
4  
5  
6  
7  
8  
9

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN BURTON,  
Plaintiff,

vs.

CRYSTAL BENSON & RENEE COOPER,  
Defendants.

NO. CV-06-0273-JLQ

ORDER DENYING MOTIONS AND  
CLOSING FILE

10 On April 18, 2011, Plaintiff filed another Rule 60(b) Motion to Vacate Judgment  
11 (**ECF No. 290**) and a Motion for Reconsideration (**ECF. No. 291**) of the court's earlier  
12 summary judgment decision, which Plaintiff has already once appealed to the Ninth  
13 Circuit unsuccessfully. Plaintiff has also simultaneously filed a Notice of Appeal to the  
14 Ninth Circuit (ECF No. 294). On March 15, 2011 the court considered and denied  
15 Plaintiffs' earlier filed Rule 60(b) motion. The Plaintiff's motions now before the court  
16 offer no reason to reconsider the court's March 15, 2011 decision. Accordingly,  
17 Plaintiff's Motion to Vacate Judgment (**ECF. No. 290**) is **DENIED**. Moreover, Plaintiff's  
18 Motion for Reconsideration (**ECF. No. 291**) is **DENIED** as the simultaneous filing of the  
19 Notice of Appeal divests this court of jurisdiction to consider such a motion.

20 **IT IS SO ORDERED.** The Clerk of this court shall enter this Order, forward  
21 copies of this Order to the parties, as well as a copy of the court's March 15, 2011 Order  
22 to Mr. Burton, and CLOSE THE FILE.

23 **DATED** this 22nd day of April 2011.

24 s/ Justin L. Ouackenbush  
25 JUSTIN L. QUACKENBUSH  
26 SENIOR UNITED STATES DISTRICT JUDGE  
27  
28